

Listing of Claims:

Please amend the claims as follows. The requested changes in these claims are shown with strikethrough for deleted matter and underlined for added matter. A complete listing of the claims is listed below with the proper claim identifiers; this listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A method of inducing gene expression in a plant which comprises

providing the plant with ~~characters~~ a character of a repressor and with a character of an operator by gene transfer, ~~both constituting wherein~~ a gene expression inducing system ~~with actinomyceete autogenous regulatory factor as an inducer by gene transfer~~ comprises said repressor, said operator, and virginiae butanolide as an inducer, and

administering the virginiae butanolide ~~actinomyceete autogenous regulatory factor~~ to the transformed plant to thereby induce, at a site of administration of the virginiae butanolide, the expression of a gene placed under the control of the operator ~~at a site of administration of the actinomyceete autogenous regulatory factor~~,

wherein a gene coding for said repressor comprises a region comprising a nucleotide sequence shown under SEQ ID NO:1, or comprises a region coding for an amino acid sequence shown under SEQ ID NO:2;

a nucleotide sequence of said operator comprises a region comprising a nucleotide sequence shown under SEQ ID NO:3; and

said operator is connected to at least one site 3' downstream or 5' upstream of TATA box of a Cauliflower mosaic virus 35S promoter.

2-10. (Cancelled)

11. (Currently amended) The method according to Claim 1, wherein ~~a promoter~~ the coding region of the gene coding for said repressor gene is connected to a site 3' downstream of a plant promoter.
12. (Original) The method according to Claim 11, wherein said plant promoter is a Cauliflower mosaic virus 35S promoter.
- 13-20. (Cancelled)
21. (Currently amended) The method according to Claim 17 1, wherein said operator is ~~disposed, together with~~ connected to the TATA box of said plant Cauliflower mosaic virus 35S promoter, in a manner shown under any of SEQ ID NO:4 through SEQ ID NO:7.
22. (Currently amended) The method according to Claim 1, wherein said gene placed under the control of the operator is a gene ~~capable of providing that provides~~ the plant with fertility.
23. (Currently amended) A plant transformed by the ~~method according to~~ gene transfer step as recited in Claim 1.
24. (Currently amended) Tobacco (*Nicotiana tabacum* L.) transformed by the ~~method according to~~ gene transfer step as recited in Claim 1.
25. (Currently amended) A cultured plant cell transformed by the ~~method according to~~ gene transfer step as recited in Claim 1.
26. (Currently amended) A cultured tobacco cell transformed by the ~~method according to~~ gene transfer step as recited in Claim 1.

27. (Currently amended) A cultured tobacco BY2 cell transformed by the method according to gene transfer step as recited in Claim 1.

28. (Withdrawn) A repressor gene which constitutes a gene expression inducing system with an actinomycete autogenous regulatory factor as an inducer, a promoter of said repressor gene being a plant promoter.

29. (Withdrawn) The repressor gene according to Claim 28, wherein said plant promoter is Cauliflower mosaic virus 35S promoter.

30. (Withdrawn) The repressor gene according to Claim 28 or 29 wherein said repressor gene is a barA gene.

31. (Withdrawn) The repressor gene according to Claim 28 wherein said repressor gene contains a region comprising a nucleotide sequence shown under SEQ ID NO:1.

32. (Withdrawn) The repressor gene according to Claim 28 wherein said repressor gene contains a region coding for an amino acid sequence shown under SEQ ID NO:2.

33. (Withdrawn) A modified promoter in which an operator constituting a gene expression inducing system with an actinomycete autogenous regulatory factor as an inducer is disposed in at least one place in the vicinity of a site 3' downstream or in the vicinity of a site 5' upstream of a TATA box of a plant promoter.

34. (Withdrawn) The modified promoter according to Claim 33, wherein said plant promoter is a Cauliflower mosaic virus 35S promoter.

35. (Withdrawn) The modified promoter according to Claim 33 or 34, wherein a nucleotide sequence of said operator is BARE-1, BARE-2 or BARE-3.

36. (Withdrawn) The modified promoter according to Claim 33, wherein the nucleotide sequence of said operator contains a region comprising a nucleotide sequence shown under SEQ ID NO:3.

37. (Withdrawn) The modified promoter according to Claim 33, wherein said operator is disposed, together with the TATA box of said plant promoter, in a manner shown under any of SEQ ID NO: 4 through SEQ ID NO: 7.

38. (New) The method according to Claim 1, wherein said gene transfer comprises the step of transforming the plant with a first vector and with a second vector;

wherein said first vector comprises said operator and said gene placed under the control of said operator, in which said operator is connected to at least one site 3' downstream or 5' upstream of the TATA box of the Cauliflower mosaic virus 35S promoter;

wherein said second vector comprises said gene coding for said repressor.

39. (New) The method according to Claim 38, wherein in said second vector, the coding region of said gene coding for said repressor is connected to a site 3' downstream of a plant promoter.

40. (New) The method according to Claim 39, wherein said plant promoter is a Cauliflower mosaic virus 35S promoter.

41. (New) The method according to Claim 38, wherein in said first vector, said operator is connected to the TATA box of the Cauliflower mosaic virus 35S promoter, in a manner shown under any of SEQ ID NO:4 through SEQ ID NO:7.

42. (New) The method according to Claim 38, wherein said gene placed under the control of the operator is a gene that provides the plant with fertility.

CLAIM STATUS

Applicants affirm the election, without traverse, to prosecute the invention of Group I, Claims 1-27, directed to a method of inducing a gene expression in a plant. Claims 2-10 and 13-20 were cancelled. Claims 1, 11, 21-27 were amended. New Claims 38-42 were added.

Support for amendment to Claim 1 may be found throughout the specification, including original Claims 5, 9, 10, 16, 18, and 20. Support for amendment to Claim 11 may be found throughout the specification, including at page 9, lines 32-35, continuing at page 10, lines 1-6. Support for amendment to Claim 21 may be found throughout the specification, including at page 10, lines 11-35, continuing at page 11, lines 1-24. Amendment to Claims 22-27 relates to form and/or grammar only for the purpose of increasing the clarity of these Claims.

Support for newly added claims may be found throughout the specification, including at the following locations:

Claim 38, *e.g.*, specification at page 8, lines 5-16, and 24-31;

Claim 39, *e.g.*, specification at page 8, lines 17-23;

Claim 40, *e.g.*, specification at page 8, lines 24-31;

Claim 41, *e.g.*, specification at page 10, lines 11-35, continuing at page 11, lines 1-24; and

Claim 42, *e.g.*, specification at page 14, lines 6-17.

No new matter has been added.

Claims 1, 11, 12, 21-27, and 38-42 are pending.